

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of SAN DIEGO GAS & ELECTRIC COMPANY for Authority Pursuant to Public Utilities Code Section 851 to Sell Certain Property in its Transmission Corridor in the City of San Juan Capistrano in the County of Orange to Whispering Hills, LLC, to Realign Transmission and Distribution Lines Overhead on a Temporary Basis and Underground on a Permanent Basis and to Enter into Easements with Whispering Hills, LLC. (U 902-E)

Application 04-07-049  
(Filed July 30, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REQUESTING REPLY COMMENTS**

In response to the prior Administrative Law Judge's Ruling that requested the submission of comments relating to the sale price of the property at issue in this proceeding, comments were received from the applicant San Diego Gas & Electric Company (SDG&E), Whispering Hills LLC, the Commission's Office of Ratepayer Advocates (ORA), and local residents Anne Fox, Mark Nielsen, and Mike Mathewson.

The comments of SDG&E, while addressing the substantive issues in the proceeding, also stated that it intended to "supplement" its comments with its anticipated responses to a data request SDG&E had received from ORA. The comments of ORA did not address any substantive issues, but rather gave notice

that ORA had served a data request on SDG&E, and intended to participate in the proceeding.

Because no procedure for submitting additional comments or other information to the record had been established, there was no way for SDG&E or ORA to provide the Commission with the additional information they wished to submit. In addition, Mr. Nielsen inquired whether there was a procedure available for responding to the opening round of comments.

Given the interest of SDG&E, ORA, and Mr. Nielsen in submitting further information to the Commission, this Ruling permits a second round of comments. The comments may respond to the opening round of comments, and to SDG&E's responses to ORA's data request (SDG&E should serve its responses on the service list). Parties should specifically address the comments of Mr. Mathewson, regarding the value of SDG&E property that Whispering Hills proposes to resell.

The parties were polled as to their preferred date for submitting comments. The parties' responses ranged from December 22, 2004 to January 14, 2005, and logical reasons were provided in support of all suggested dates. In order to balance the parties' needs for time to receive and analyze information and prepare comments with the need for a prompt resolution of the proceeding, the second round of comments is due on January 7, 2005.

Comments should be filed at the Commission, and an electronic version sent by e-mail to the service list (and ALJ Peter V. Allen at pva@cpuc.ca.gov), consistent with the prior ruling in this proceeding.

**IT IS RULED** that:

1. A second round of comments is due on January 7, 2005, as described above.
2. Comments should be filed at the Commission, and an electronic version sent by e-mail to the service list (and ALJ Peter V. Allen at pva@cpuc.ca.gov).

Dated December 16, 2004, at San Francisco, California.

/s/ PETER V. ALLEN  
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Peter V. Allen  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by electronic mail served the attached Administrative Law Judge's Ruling Requesting Reply Comments to the parties to which an electronic mail address has been provided, on all parties of record in this proceeding or their attorneys of record.

Dated December 16, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.